

Senate File 114

S-3052

1 Amend Senate File 114 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 321.210D, Code 2019, is amended to read
5 as follows:

6 **321.210D Vehicular homicide suspension — termination upon
7 revocation of license — reopening of suspension.**

8 1. If a trial information or indictment is filed charging a
9 person with the offense of homicide by vehicle under section
10 707.6A, subsection 1, ~~or 2~~, or 3A, the clerk of the district
11 court shall, upon the filing of the information or indictment,
12 forward notice to the department including the name and address
13 of the party charged, the registration number of the vehicle
14 involved, if known, the nature of the offense, and the date of
15 the filing of the indictment or information.

16 2. Upon receiving notice from the clerk of the district
17 court that an indictment or information has been filed charging
18 an operator with homicide by vehicle under section 707.6A,
19 subsection 1, ~~or 2~~, or 3A, the department shall notify the
20 person that the person's driver's license will be suspended
21 effective ten days from the date of issuance of the notice.
22 The department shall adopt rules relating to the suspension of
23 the license of an operator pursuant to [this section](#) which shall
24 include, but are not limited to, procedures for the surrender
25 of the person's license to the department upon the effective
26 date of the suspension.

27 3. If a person whose driver's license has been suspended
28 pursuant to [this section](#) is not convicted of the charge of
29 homicide by vehicle under [section 707.6A, subsection 1, ~~or 2~~,
30 or 3A](#), upon record entry of disposition of the charge, the
31 clerk of the district court shall forward a notice including
32 the name and address of the party charged, the registration
33 number of the vehicle involved, the nature of the offense
34 charged by indictment or information, the date of the filing
35 of the indictment or information, and of the disposition of

1 the charge to the department. Upon receipt of the notice from
2 the clerk, the department shall automatically rescind the
3 suspension and reinstate the person's driver's license without
4 payment of any charge or penalty.

5 4. Upon receiving a record of conviction under section
6 321.206, for a violation of section 707.6A, subsection 1,
7 ~~or 2, or 3A~~, and upon revocation of the person's license or
8 operating privileges under [section 321.209](#), the suspension
9 under [subsection 2](#) shall automatically terminate in favor of
10 the revocation.

11 Sec. 2. Section 321.555, subsection 1, paragraph h, Code
12 2019, is amended to read as follows:

13 h. Serious injury by a vehicle in violation of section
14 707.6A, subsection 4 or 4A.

15 Sec. 3. Section 707.6A, Code 2019, is amended by adding the
16 following new subsections:

17 NEW SUBSECTION. 3A. A person commits a class "D" felony
18 when the person unintentionally causes the death of another
19 by exceeding a speed limit established or posted pursuant to
20 section 262.68, section 321.236, subsection 5 or 11, section
21 321.236, subsection 13, paragraph "a", section 321.285, section
22 321.288, subsection 2, paragraph "f", or section 321.289,
23 321.290, 321.293, 321.295, 350.5, or 461A.36, by twenty-five
24 miles per hour or more. However, if the offense is a person's
25 second or subsequent offense under this subsection, the person
26 commits a class "C" felony. This subsection does not apply to
27 a member of a public safety agency, as defined in section 34.1,
28 performing official duties.

29 NEW SUBSECTION. 4A. A person commits an aggravated
30 misdemeanor when the person unintentionally causes a serious
31 injury, as defined in section 702.18, by the means described in
32 subsection 3A. This subsection does not apply to a member of a
33 public safety agency, as defined in section 34.1, performing
34 official duties.

35 Sec. 4. Section 707.6A, subsection 7, Code 2019, is amended

1 to read as follows:

2 7. ~~Notwithstanding the provisions of~~ In accordance with
3 sections 901.5 and 907.3, the court shall not defer judgment or
4 sentencing, or suspend execution of any part of the sentence
5 applicable to the defendant, for a any of the following:

6 a. A violation of subsection 1, or for a.

7 b. A second or subsequent violation of subsection 3A.

8 c. A violation of subsection 4 involving the operation of a
9 motor vehicle while intoxicated.

10 Sec. 5. Section 902.12, subsection 1, paragraph f, Code
11 2019, is amended to read as follows:

12 f. Vehicular homicide in violation of section 707.6A,
13 subsection 1, or 2, or 3A, if the person was also convicted
14 under section 321.261, subsection 4, based on the same facts
15 or event that resulted in the conviction under section 707.6A,
16 subsection 1, or 2, or 3A.

17 Sec. 6. Section 907.3, subsection 1, paragraph a,
18 subparagraph (10), Code 2019, is amended by striking the
19 subparagraph and inserting in lieu thereof the following:

20 (10) The offense is a violation of section 707.6A,
21 subsection 1.

22 Sec. 7. Section 907.3, subsection 1, paragraph a, Code 2019,
23 is amended by adding the following new subparagraphs:

24 NEW SUBPARAGRAPH. (011) The offense is a second or
25 subsequent violation of section 707.6A, subsection 3A.

26 NEW SUBPARAGRAPH. (0011) The offense is a violation of
27 section 707.6A, subsection 4, involving operation of a motor
28 vehicle while intoxicated.

29 Sec. 8. Section 907.3, subsection 2, paragraph a,
30 subparagraph (6), Code 2019, is amended by striking the
31 subparagraph and inserting in lieu thereof the following:

32 (6) Section 707.6A, subsection 1.

33 Sec. 9. Section 907.3, subsection 2, paragraph a, Code 2019,
34 is amended by adding the following new subparagraphs:

35 NEW SUBPARAGRAPH. (07) A second or subsequent violation of

1 section 707.6A, subsection 3A.

2 NEW SUBPARAGRAPH. (007) Section 707.6A, subsection 4,
3 involving operation of a motor vehicle while intoxicated.

4 Sec. 10. Section 907.3, subsection 3, paragraph d, Code
5 2019, is amended by striking the paragraph and inserting in
6 lieu thereof the following:

7 *d.* A sentence imposed pursuant to section 707.6A, subsection
8 1.

9 Sec. 11. Section 907.3, subsection 3, Code 2019, is amended
10 by adding the following new paragraphs:

11 NEW PARAGRAPH. *0e.* A sentence imposed for a second or
12 subsequent violation of section 707.6A, subsection 3A.

13 NEW PARAGRAPH. *00e.* A sentence imposed pursuant to section
14 707.6A, subsection 4, involving operation of a motor vehicle
15 while intoxicated.>

16 2. Title page, lines 1 and 2, by striking <the death of a
17 person> and inserting <death or serious injury>

JASON SCHULTZ